IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9114 of 1997

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ABDULBHAI NOORMOHMEDBHAI

Versus

STATE OF GUJARAT

Appearance:

MR HM PARIKH for Petitioner No. 1

GOVERNMENT PLEADER for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/04/2004

ORAL JUDGEMENT

1. The petitioner is a hawker selling kerosene in Anand Town. By this petition the petitioner has sought a direction directing the respondents to supply minimum 2000 liters of kerosene to the petitioner and other hawkers per month for distribution in Anand Town.

2. Mr. HL Jani, learned AGP, for the respondents contended that in view of the new government policy and the conditions of the licence, the petitioner and other such persons are entitled to only 1000 liters of kerosene per month.

3. Without entering into the merits whether the Court can issue such direction or not, the ends of justice will be met if a direction is issued to the respondents that the respondents will supply the quantity of kerosene as per the Agreement between the Government and the hawkers and as per the licence conditions, and that the same should be followed strictly without any exception i.e. if the agreement/licence stipulates condition of supply of 1000 liters per month then the petitioner and similarly situated persons should be supplied the same quantity every month.

4. Accordingly the respondent authorities are directed to abide by the terms and conditions of the Contract and to adhere to the licence conditions, more particularly, in respect of the quantity of the kerosene which is being supplied every month. The petition is partly allowed. Rule is made absolute to the aforesaid extent.

[K.S. JHAVERI, J.]
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